

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CLEMENTE HERNANDEZ,)	CASE NO. 5:07CV399
)	
Petitioner,)	JUDGE PETER C. ECONOMUS
)	
v.)	
)	
MICHELLE EBERLIN, Warden,)	MEMORANDUM OPINION
)	AND ORDER
Respondent.)	
)	

This matter is before the Court upon a petition for a writ of habeas corpus filed by Clemente Hernandez (“Petitioner”), pursuant to 28 U.S.C. § 2254, in the Southern District of Ohio. (Dkt. # 2). The matter was transferred to this Court on February 7, 2007. (Dkt. # 6).

On May 3, 2007, this case was automatically referred to Magistrate Judge George J. Limbert for preparation of a Report and Recommendation, pursuant to 28 U.S.C. § 636 and LR 72.1. (Dkt. # 10). On June 13, 2008, the Magistrate issued a report and recommendation, recommending that the Court deny the instant petition because Petitioner’s claims are time barred and Petitioner is not entitled to equitable tolling. (Dkt. # 25).

Petitioner has timely filed objections to the Magistrate’s Report and Recommendation. (Dkt. # 26). Specifically, Petitioner objects to the Magistrate Judge’s finding that Petitioner is not entitled to equitable tolling based upon the cumulative

effects of his inability to speak or write English. The Court has reviewed Petitioner's objections and finds they are without merit.

The Court has reviewed the report and recommendation of the Magistrate Judge *de novo*, and finds that it is well-supported. Therefore, the Report and Recommendation of Magistrate Judge Limbert (Dkt. # 25) is hereby **ADOPTED**, and Petitioner's petition for a writ of habeas corpus is **DENIED**.

IT IS SO ORDERED.

/s/ Peter C. Economus – July 24, 2008
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE